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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/530,104	08/02/2005	Mark Ibberson	ARS-107	9640

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EXAMINER	
STOICA, ELLY GERALD	
ART UNIT	PAPER NUMBER
1647	

MAIL DATE	DELIVERY MODE
05/30/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/530,104	IBBERSON ET AL.	
	Examiner	Art Unit	
	Elly-Gerald Stoica	1647	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 42-57 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☐ Claim(s) _____ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☒ Claim(s) 42-57 are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions that are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, claims 42 (in part), 44 (in part), 46 (in part), drawn to a composition of matter comprising an isolated polypeptide, an antagonist of it or a peptide mimetic, or a pharmaceutical composition comprising any of the polypeptide or the peptide mimetic, a kit for measuring the activity or presence of them and a process of producing the isolated polypeptide.

Group II, claims 42 (in part), 44 (in part), drawn to a composition of matter comprising a ligand that binds to a polypeptide, or a pharmaceutical composition comprising it or a kit for measuring the activity or presence of it.

Group III, claims 42 (in part), 43, 46 (in part), drawn to a composition of matter comprising an isolated nucleic acid, a vector comprising it and a cell transformed with the vector or a pharmaceutical composition comprising it or a kit for measuring the activity or presence of it.

Group IV, claims 42 (in part), drawn to a composition of matter comprising a primer of disclosed sequence.

Group V, claims 42 (in part) and 45, drawn to a composition of matter comprising an expression modulator of a polypeptide.

Group VI, claims 42 (in part), drawn to a composition of matter comprising a transgenic animal cell or to a transgenic animal.

Group VII, claims 47-57, drawn to methods of use of the composition of matter of any of the groups I-VI.

2. The inventions listed as Groups I-VII do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: they do not present a common structure linked to a common function. The inventions of the groups I-V have or relate to different compounds with different structures and functions. A comprehensive search for all the structures would have been an undue burden on the Examiner. The inventions of groups I-V and the invention of group VI differ in methodology, goal and function. The inventions of Groups I-VI can have other uses that the methods of group VII. Because the search for all the inventions would have been burdensome for the Examiner, the restriction is proper.

3. This application contains claims directed to more than one species of the generic invention. These species are deemed to lack unity of invention because they are not so linked as to form a single general inventive concept under PCT Rule 13.1.

The species are as follows:

Category A: Seq. Id. Nos.: 2, 4, 6, 8, 10, 12, 14, and 16.

Category B: Seq. Id. Nos: 1, 3, 5, 7, 9, 11, 13, and 15.

Category C: the primer pairs of the following Seq. Id. Nos: 17-18, 19-20, 21-22, 23-24, 25-26, and 27-28.

Category D: making a genetically engineered cell; producing a polypeptide; producing a pharmaceutical composition; the treatment of a disease; screening candidate compounds; identifying a candidate compound; or determining the activity, presence or both activity or presence of said composition of matter.

Applicant is required, in reply to this action, to elect a single species to which the claims shall be restricted if no generic claim is finally held to be allowable. The reply must also identify the claims readable on the elected species, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered non-responsive unless accompanied by an election. For Inventions I-VI, in order for the reply to be fully responsive, the Applicant should choose, corresponding with the elected invention, a specie **from the categories A, B or C as applicable,** (if necessary from more than one category) for further prosecution of the application. The election should possess internal consistency (i.e., a sequence for amino acids, consistent with a nucleic acid sequence encoding that particular amino acid and the primer pair needed for amplification of the corresponding amino acids). If Invention VI is elected, the Applicant should choose a **single** ultimate specie from Category D **which is going to relate to ONE Invention from Groups I-VI and ONE specie from the categories A, B or C** as applicable. Again internal consistency is to be preserved.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

4. The claims are deemed to correspond to the species listed above in the following manner:

Category A: Claims 42 (in part), 44 (in part), 46 (in part), 47 (in part), 50-53 (in part), 54.

Category B: Claims 42 (in part), 43, 44 (in part), 45, 46-47(in part), 48, 50-53 (in part), and 55

Category C: claims 42 (in part), 56, and 57.

Category D: claims 47-57.

The following claims are generic: 42 and 47.

5. The species listed above do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, the species lack the same or corresponding special technical features for the following reasons: they do not present a common structure linked to a common function. The species of each category have or relate to different compounds with different structures and functions. A comprehensive search for all the structures would have been an undue burden on the Examiner. Because the search for all the structures or methods would have been burdensome for the Examiner, the election requirement is proper.

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

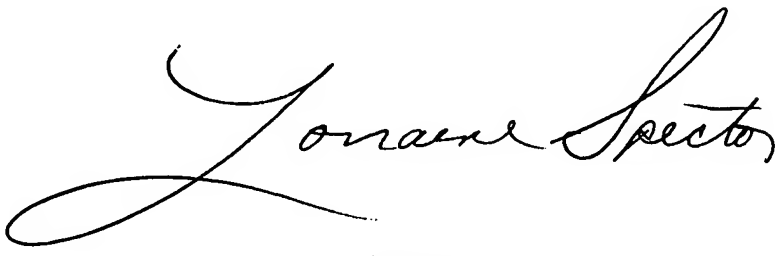
Should applicant traverse on the ground that the inventions or species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions or species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C.103(a) of the other invention.

6. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elly-Gerald Stoica whose telephone number is (571) 272-9941. The examiner can normally be reached on 8:30-17:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary B. Nickol can be reached on (571) 272-0835. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



LORRAINE SPECTOR
PRIMARY EXAMINER